

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

**In Re Petition to Amend the Minnesota
Rules on Registration of Attorneys**

**PETITION OF THE CLERK OF THE APPELLATE COURTS
TO AMEND THE MINNESOTA RULES ON REGISTRATION OF ATTORNEYS**

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TO: THE HONORABLE JUSTICES OF THE SUPREME COURT OF THE
STATE OF MINNESOTA:

Petitioner Clerk of the Appellate Courts (Clerk), joined by the Director of the Minnesota Board of Law Examiners (BLE) and the Board of Continuing Legal Education (CLE) and the Acting Director of the Office of Lawyers Professional Responsibility (OLPR), respectfully petitions this Court to amend the Rules on Registration of Attorneys as set forth below.

In support of this petition, petitioner would show the following:

1. This Court has the exclusive and inherent power and duty to administer justice and adopt rules of practice and procedure before the courts of this state, to establish standards for regulating the legal profession, and to establish standards for the admittance of lawyers admitted to practice in this state. This power has been expressly recognized by the Legislature. *See* Minn. Stat. § 480.05.

2. This Court adopted the Rules on Registration of Attorneys (the “Rules”) to establish standards for the annual registration of lawyers licensed in the State of Minnesota to practice law. The Rules have been amended from time-to-time.

3. Petitioner is responsible for the administration of the annual registration of lawyers.

4. In the fall of 2002 petitioner and directors of the BLE, CLE and the OLPR established a committee to study the Rules and recommend appropriate amendments to the Rules.

5. Petitioner and representatives of the BLE, CLE and OLPR have reviewed the Rules with the intention of updating terminology, making the Rules consistent with software upgrades in the Clerk's database, and allowing lawyers to remain in good standing while choosing to be on inactive status and pay a reduced annual registration fee.

6. The proposed Rules contain the principal changes set forth below.

7. A definitions section has been added to identify and clarify important terminology.

8. Currently, the Rules provide that the processing of annual registrations is done by the Clerk of the Appellate Courts. The proposed Rules refer to these functions of the Clerk as functions of a Lawyer Registration Office. This office will remain located in the Clerk's office.

9. The proposed Rules expressly define and state the criteria for a lawyer to be on "active", "inactive" or "non-compliant" status.

10. The proposed Rules permit lawyers to elect to be on "inactive" status and still remain in good standing. Currently, only lawyers who are disabled or retired may be on inactive status. These lawyers remain in good standing and do not pay an annual registration fee. However, the proposed Rules allow all lawyers in good standing to elect to be on inactive status, pay a reduced fee and remain in good standing.

11. Retired status is amended to include, among other provisions, a requirement that the lawyer be at least 62 years of age and in good standing.

12. Disability status is amended to include, among other provisions, a requirement that the lawyer be in good standing.

13. The proposed Rules allow lawyers and judges electing retired status or disability status to file a one-time affidavit.

14. The newly created inactive status has a proposed fee of \$179, which is allocated as follows:

- \$18 to the State Board of Law Examiners;
- \$8 to the State Board of Continuing Legal Education;
- \$83 to the Lawyers Professional Responsibility Board;
- \$12 to the Client Security Fund;
- \$50 to the Legal Services Advisory Committee; and
- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

15. The proposed Rules allow the Lawyer Registration Office to charge \$25 to issue a certificate of good standing. This fee is designed to allow the Lawyer Registration Office to recoup costs of providing this documentation. The proposed Rules also increase the late penalty from \$50 to \$75. The late penalty has not changed since July 1, 1990.

16. All other current fees, and allocation of fees, remain the same.

17. Currently, out-of-state lawyers can choose non-resident status and pay less than half the fee of active status lawyers who reside in Minnesota. The proposed Rules eliminate fee distinctions based on residence.

18. The proposed Rules clarify that a lawyer shall be automatically suspended for failing to comply with all registration requirements, including but not limited to payment of the annual registration fee. This suspension is automatic and does not require a due process hearing.

19. Reinstatement of the suspended lawyer will continue to be handled administratively, without requiring an order of the Court, upon payment of the required fee and compliance with all other required conditions.

20. The proposed inactive statuses may have an impact on revenue, but the precise impact is unknown at this time. Therefore, petitioner intends, together with the directors of the BLE, CLE and OLPR to review the revenue impact after one year of implementation and determine what, if any, modifications may be necessary.

21. A proposed effective date for these proposed Rules is October 1, 2006.

Dated: _____, 2006.

Respectfully submitted,

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